

DRAFT PERMIT

Permittee: Exeter Energy LP

Permit No.: DS-200902697
CT Dam Inv. No.: Exeter Energy Retention Basin Dam #13610
Town: Sterling

Pursuant to Section 22a-403 of the Connecticut General Statutes, Exeter Energy, LP is hereby permitted to conduct activities at the Exeter Energy Retention Basin Dam ("the dam") located on an unnamed tributary to the Moodus River in Sterling, Connecticut as set forth in application #DS-200902697 prepared by Fuss & O'Neill, Inc. for the permittee and received on July 9, 2009.

Authorized Activity

The Authorized activities are specified on plan sheets entitled, "Exeter Energy, Sterling Connecticut, Retention Basin Expansion and Dam Construction, July, 2009 (latest revision).

In general, the permittee is authorized to construct the enlarged retention basin dam as shown on the plans approved above. The project includes converting the existing detention basin into an expanded retention basin, upgrading the control structure which pumps retained stormwater up to the plant for use by Exeter Energy, the installation of a stormwater bypass structure to be utilized during storms in excess of the 100-year storm event or when the basin is full from a previous storm(s) and the construction of an earthen dam embankment approximately 10 feet in height with an emergency spillway capable of discharging the peak flows of a 100-year storm with freeboard.

This permit is subject to and does not derogate any present or future property rights or other rights and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity hereby. This authorization is subject to the following conditions:

PERMITTEE'S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT PERMITTEE AND PERMITTEE'S CONTRACTOR(S) TO ENFORCEMENT ACTIONS AND PENALTIES AS PROVIDED BY LAW

Special Conditions

Conditions regarding NPDES Permit CT0026972 issued 1/31/2007 and the Operations and Maintenance Manual and Emergency Operations Plan:

- A. During the construction of the retention basin authorized herein, the permittee shall continue to monitor and sample discharges from the site, and report as required by Section 5 Tables A, C and E (Interim Period ending 2/1/2010) of NPDES permit CT0026972 issued 1/31/2007.
- B. During the construction of the retention basin authorized herein, the permittee shall increase the frequency of Best Management Practice activities at the site to reduce the discharge of pollutants through the direct bypass piping. Reports describing such BMP increases shall be included within the reports submitted per the NPDES permit above.
- C. The Operations & Maintenance Manual must be revised to show how the basin and bypass system will be operated during storms occurring at varying basin storage levels. The revisions must be submitted and approved before a certificate of approval will be issued.
- D. The Emergency Operations Plan shall be reviewed for adequacy upon completion of the construction. Any needed changes and updating must be completed and approved before a certificate of approval will be issued. The approved plan must be available on site and copies provided to all appropriate emergency management personnel.

Conditions relating to embankment construction, staging areas, refueling, and dewatering:

- A. Embankment Construction Material Testing and Compaction. The permittee shall test the material proposed for the embankment fill and the compaction thereof to ensure it meets standard engineering requirements for impermeable embankment fill. Copies of the test results shall be maintained on site during construction and be made available upon request.
- B. Staging areas should not be completely cleared. They should have a vegetated buffer maintained whenever near a water body or wetland. The cleared portion of the staging area should be surrounded by a silt fence that is inspected daily to ensure proper function. Any soil that is stockpiled in the staging area should have a separate silt fence surrounding it.
- C. Refueling of equipment should be conducted at as far away from wetlands and watercourses as is practicable. The fueling station shall have spill cleanup materials nearby and incorporate an impermeable barrier containment pan / mat system to capture

any spills for cleanup.

- D. All dewatering basins and/or sediment containment tanks should be located on relatively flat grade as far away from wetlands and watercourses as is practicable.

General Conditions

1. **Initiation and Completion of Construction**

- A. The permittee shall notify the Commissioner in writing no less than seven (7) days prior to commencement of permitted activities and no less than seven (7) days following completion of permitted activities.

2. **Expiration of Permit**

- A. The activities authorized herein shall be completed on or before three years following the date of issue unless this permit is specifically renewed.
- B. This permit may be revoked, suspended, or modified in accordance with law, including but not limited to the Regulations of Connecticut State Agencies Section 22a-3a-5(d).

3. **Permit Compliance**

- A. This permit and a copy of the approved plans and specifications shall be kept at the project site and made available to the Commissioner at any time during the construction of permitted activities.
- B. Permitted activities shall be performed under the supervision of an engineer who is licensed to practice in the State of Connecticut and who is familiar with dam construction. Said engineer shall, upon completion of the permitted activities, certify to the Commissioner in writing that the permitted activities have been completed according to the approved plans and specifications.
- C. The permittee may not modify the permitted plans and specifications without the prior written approval of the Commissioner.
- D. Within thirty (30) days of completion of the permitted activities, permittee shall submit to the Commissioner record drawings depicting the dam construction as completed, including any deviations from the approved plans and specifications. Said drawings shall be prepared and sealed by the engineer who oversaw the construction. In addition, the permittee shall arrange for submission of an electronic

copy of the final record drawings in Adobe Acrobat “pdf” format.

4. **Fishway Requirements**

The Commissioner has determined in accordance with Section 26-136 of the Connecticut General Statutes that, as of the date this permit is issued, a fishway is not required at this dam.

5. **Reliance on Application**

In evaluating the permittee's application, the Commissioner has relied on information provided by the permittee. If such information subsequently proves to have been false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked.

6. **Best Management Practices**

In constructing the activities authorized herein, the permittee shall use construction methods that minimize sedimentation and erosion and prevent pollution. Such practices include, but are not necessarily limited to the following:

- A. During the construction of the retention basin authorized herein, the permittee shall increase the frequency of Best Management Practice activities at the site to reduce the discharge of pollutants through the direct bypass piping. Reports describing such BMP increases shall be included within the reports submitted per the NPDES permit above.
- B. All authorized activities shall be performed in such a manner as to minimize resuspension of sediments and subsequent siltation and to prevent construction materials and debris from entering wetlands or watercourses.
- C. No construction vehicles shall be stored, serviced, washed or flushed out in a location where leaks, spillage, waste materials, cleaners or waters will be introduced or flow into wetlands or watercourses.
- D. Haybales, mulch, sedimentation basins or other temporary sedimentation controls, including silt fences, shall be used as necessary to control erosion and sedimentation.
- E. Except as provided in this permit, no material storage or stockpiling of construction materials shall occur in any wetlands or watercourses.
- F. Fill, without limitation, or construction debris, shall not be placed in wetlands or watercourses unless authorized by this permit.

7. **Certification of Documents**

Any document, including but not limited to any notice which is required to be submitted to the Commissioner pursuant to this permit shall be signed by: the permittee, a responsible corporate officer of the permittee or a duly authorized representative of such person, as those terms are defined in Section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate, and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense".

8. **Submission of Documents**

Any document required to be submitted to the Commissioner pursuant to this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

Arthur P. Christian, Supervising Civil Engineer
DEP/Bureau of Water Protection and Land Reuse
Inland Water Resources Division
79 Elm Street, Hartford, CT 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means one calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed before the next day which is not a Saturday, Sunday or a Connecticut or federal holiday.

Dam Owner/Operator Liability

Your attention is further directed to Section 22a-406 of the General Statutes: "Nothing in this chapter and no order, approval or advice of the Commissioner, shall relieve any owner or operator of {a dam} from his legal duties, obligations and liabilities resulting from such ownership or operation. No action for damages sustained through the partial failure of any structure or its maintenance shall

be brought or maintained against the state, the Commissioner of Environmental Protection, or his employees or agents."

This authorization constitutes the permit required by Section 22a-403 of the Connecticut General Statutes.

Date

Amey Marella, Acting Commissioner